THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17700 of 2005

DATED: 11.08.2005

Between:

Sudhir Kumar, S/o Satyanarayan,

Aged about 40 years, Govt. Service,

R/o H.No.14-11-248, Dhoolpet,

Hyderabad-12.

...PETITONER

And:

The Commissioner of Police, Hyderabad

And two others.

...RESPONDENTS

ORDER:

Writ petition is misconceived. Petitioner seeks a direction to the first respondent to register a case under Section-302 I.P.C. against one Mr.Fiyaz, S/o Iqbal Khan and Smt Farheen Begum, W/o of the said Fiyaz, R/o Plot Nos.29 and 30 (Survey No.317), Vinayaknagar Colony, Shaikpet, Hyderabad, for the offence of murdering one Shankar Singh @ Sonu who is claimed to be the son of the petitioner and his wife Smt Saritha Bai.

According to the petitioner, he was married to Saritha Bai in 1985 and got divorced in 1999, and prior to that, through the marriage

they begot Shankar Singh. After the divorce, it is claimed by the petitioner, Saritha Bai along with her parents left for some unknown destination along with his son. It came to the petitioner's knowledge that Saritha Bai altered her name as Farheen Begum and got married to Mr.Fiyaz and the petitioner's son was also living with them. In 2005, the petitioner filed a Habeas Corpus petition in this Court for a direction to the Police to produce his son Shankar Singh and set him at liberty, alleging that Mr.Fiyaz and Farheen Begum were illegally confining him in custody. In the said writ petition 14561 of 2005, the petitioner states, the second respondent herein, who was a respondent filed a counter-affidavit stating that Shankar Singh @ Sonu expired on 10.06.2004 on account of poisoning due to an insecticide in the Nizams Institute of Medical Sciences hospital and that a case was registered thereupon in Crime No.139 of 2004 on 11.06.2004 based on a complaint given by Mr.Fiyaz.

The petitioner states that he suspects that Fiyaz and Farheen Begum (his former wife) had conspired to poison or otherwise put to death his son Shankar Singh @ Sonu. No basis for such suspicion is set out in the affidavit. No facts are mentioned as to assert the basis for the suspicion. Direction sought for in this writ petition is to the Police to register a case against Fiyaz and Farheen Begum under Section-302 I.P.C. The petitioner has not even chosen to implead Fiyaz and Farheen Begum as respondents in the writ petition.

For the aforesaid reasons, the writ petition is wholly misconceived, beseeches rejection at the stage of admission and is accordingly dismissed. No order as to costs.

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(GODA RAGHURAM, J)

11.08.2005

dr